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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA – SOUTHERN DIVISION**
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11 R. JEFFREY EVANS,

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13 Plaintiff,

14 v.

15 SUN LIFE & HEALTH INSURANCE
16 COMPANY, a Connecticut
corporation; and DOES 1 to 10,
inclusive

17 Defendant.
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Case No.: SACV 11-01516 CJC (FFMx)

Action Filed: 09/29/2011

Trial Date: 11/27/12

**JUDGMENT REGARDING
ATTORNEYS' FEES, COSTS AND
INTEREST**



1 This Court conducted a bench trial between Plaintiff R. Jeffrey Evans
2 (“Evans”) and Defendant Sun Life & Health Insurance Company’s (“Sun Life”) on
3 November 27, 2012. Scott E. Calvert of McKennon Law Group PC appeared on
4 behalf of Evans and Nicole Y. Pomerantz of Wilson, Elser, Moskowitz, Edelman &
5 Dicker, LLP appeared on behalf Sun Life.

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7 After considering the trial briefing submitted by the parties, all accompanying
8 filings, the Administrative Record lodged by Sun Life, arguments of counsel and all
9 other matters presented to the Court, for all of the reasons presented in the
10 Memorandum of Decision (Docket No. 28), the full text of which was incorporated
11 in this Court’s January 2, 1023 Judgment issued in favor of Evans.

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13 On January 30, 2013, Sun Life filed a motion to alter or amend, or in the
14 alternative, reconsider the Court’s November 27, 2012 Memorandum of Decision
15 and January 2, 2013 Judgment. (Docket No. 43) On March 22, 2013, the Court
16 denied Sun Life’s motion. (Docket No. 49) Accordingly, Evans is entitled to
17 \$217,068.00 in past due benefits.

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19 Further, after considering the parties’ filings with respect to Evans’ request
20 for attorneys’ fees, costs and pre-judgment, Evans, as the prevailing party, is entitled
21 to \$212,400.00 in attorneys’ fees and \$2,355.69 in costs. In addition, pursuant to 28
22 U.S.C. Section 1961, Evans is entitled to pre-judgment interest of 2.42%, which
23 from June 1, 2008 to April 1, 2013, totals \$20,882.69.

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25 Dated: April 03, 2013



26 Cormac J. Carney
27 United States District Court Judge
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